

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BAILEY ROTH,

Plaintiff,

v.

RAYMOND W. LARSEN and JANE DOE  
LARSEN, and their marital community; ERIK  
K. LARSEN and MARY DOE LARSEN, and  
their marital community; STEIN F. LARSEN  
and BETTY DOE LARSEN, and their marital  
community; and PACIFIC WEST  
MANAGEMENT CORPORATION,

Defendants.

DEGUSSA CORPORATION, a foreign  
corporation; BASF CORPORATION, a foreign  
corporation; and ZYGROVE  
CORPORATION, a Minnesota corporation,

Additional Defendants.

BASF CORPORATION, a foreign corporation,  
and ZYGROVE CORPORATION, a  
Minnesota corporation,

Third-Party Plaintiffs,

v.

FAIRCHILD CORPORATION, a Delaware  
corporation, and RHI HOLDINGS, INC., a  
Delaware corporation,

Third-Party Defendants.

No. 07-0106 MJP

ORDER RE: SUPPLEMENTAL  
DECLARATION OF DOUGLAS  
WEINMASTER (DKT. NO. 126)

1 The Court has received and reviewed Defendants BASF Corporation and Zygrove  
2 Corporation's Motion to Strike the Supplemental Declaration of Douglas Weinmaster and  
3 Exclude Evidence (Dkt. No. 144). Although the motion is not noted until April 25, 2008,  
4 and Plaintiff has yet to respond, the Court is taking the unusual step of issuing a pre-  
5 emptive order based on the nearness of the trial date and the incontrovertible nature of  
6 Mr. Weinmaster's error in filing a motion to strike in a pleading separate from his  
7 responsive brief.

8 IT IS ORDERED that Defendants' motion is GRANTED. The prohibition contained  
9 in Local Rule 7(g) could not be clearer: "Requests to strike material contained in or  
10 attached to submission of opposing parties shall not be presented in a separate motion  
11 to strike, but shall instead be included in the responsive brief and will be considered with  
12 the underlying motion." Plaintiff's counsel cannot avoid this restriction by filing the  
13 request to strike in a declaration rather than a motion.

14 IT IS FURTHER ORDERED that Plaintiff's counsel shall have an opportunity to re-  
15 file his responsive brief and incorporate his request to strike therein. The revised  
16 responsive brief shall contain no new legal argument, and must be filed no later than  
17 April 23, 2008. If Defendants wish to amend their reply brief to respond to the request to  
18 strike, their revised reply must be filed by April 25, 2008.

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21 DONE this 18th day of April, 2008

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24 \_/s Marsha J. Pechman\_\_\_\_\_  
25 THE HONORABLE MARSHA J. PECHMAN  
26 United States District Judge